REMARKS

The present application includes claims 1-20 and 43-52. Claims 46-52 are new. Claims 1, 4, 16, 17, 20 and 45 were amended.

Applicants thank the Examiner for indicating claims 17-20 as being allowable. Claims 17 and 20 were amended into independent form, in view of their allowance, without changing the scopes of the claims.

For brevity, the following discussion relates primarily to the independent claims. The dependent claims are allowable at least because of their parent claim.

Claim 1 was amended to add the word "and", which was inadvertently omitted at the time of filing. Claim 45 is objected to because the "a" was not capitalized. The claim was corrected. These amendments do not change the scopes of the claims.

Claims 1 and 4-16 stand rejected under 35 U.S.C. 102(e) as being anticipated by Spence et al. (US patent 5,868,763).

Claims 2-3 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Spence et al. (US patent 5,868,763).

Applicants respectfully traverse the rejection and state that the Examiner has not established a *prima facie* rejection, as the Examiner has not shown at least one limitation of claim 1. Claim 1 requires that rotating the tabs around the ring distorts the ring and pushes the spikes so as to push together blood vessel lips of a hole in a blood vessel mounted on the spikes, to close a hole in the blood vessel.

In order to close a hole by rotating the tabs, it is required that the ring be adapted to be rotated a sufficient amount for closing the hole. In Spence, there is no suggestion that the retainer can be rotated. Absent such ability to be rotated, the retainer will probably not rotate when a force is applied on the tabs and there is no reason to believe that it will close the hole. In fact, since Spence is directed at connecting two blood vessels (Fig. 14), allowing the retainer of Spence to be rotatable in a manner which will close the hole between the blood vessels would be dangerous, as inadvertent rotation of the retainer would close the hole and prevent necessary blood flow between the blood vessels.

At least some of the dependent claims add further patentability over the prior art. Claim 2, for example, requires that the device is comprised of a super-elastic material. Spence teaches away from using a super-elastic material in stating that the stent has no material memory (col. 8, lines 6-10) or little material memory (col. 13, lines 42-44). The term little material memory is meant to

exclude elasticity, as evident from the statement that once deformed from one shape to another, the retention means will not move back to the first state. This is also clear from the passage "has essentially no material memory similar to that situation discussed above with regard to the stiffening framework 50" (col. 14, lines 48-49).

Claim 3, for example, requires that the spikes are curved, as shown, for example, in Fig. 10B of the present application. In contrast, the spikes of Spence are all straight along their entire length.

Claim 4 was amended to make explicit what was implicit in the claim, that the device includes a same number of spikes and tabs. None of the embodiments of Spence has the same number of spikes as tabs.

Claim 16 was amended to state that the ring comprises no more than six spikes. The lowest number of spikes included in an embodiment of Spence is 10.

New claim 47 requires that the outer perimeter of the ring is substantially entirely convex. This is not taught or suggested by Spence.

New claim 52 requires that the device is sized and shaped such that rotation of the tabs closes a hole in a blood vessel mounted on the spikes. As the retainer of Figs. 13A-13F of Spence are suggested for connecting two different blood vessels and not to close a hole in a blood vessel, there is no reason to believe that the retainer has the required properties and the Examiner has not shown that the retainer has these properties or that it would be obvious to add these properties to the retainer.

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Gilford III, et al. (US patent 5,817,113).

Applicants respectfully traverse the rejection and state that the Examiner has not established a *prima facie* rejection, as the Examiner has not shown at least one limitation of claim 1. Claim 1 requires that the spikes extend from the ring. In Fig. 1 of Gilford, the spikes 111 do not extend from the ring 104, unless tabs 108 are considered part of the spikes. This, however, does not meet the wording of claim 1, which requires that rotating the tabs around the ring distorts the ring such that the spikes are rotated.

Claims 43-44 stand rejected under 35 U.S.C. 102(e) as being anticipated by Spence et al. (US patent 5,868,763).

Claim 45 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Spence et al. (US patent 5,868,763).

Applicants respectfully traverse the rejection and state that the Examiner has not established a *prima facie* rejection, as the Examiner has not shown at least one limitation of claim 43.

Claim 43 requires that the spikes extend towards a center of the ring from portions of the ring intermediate inwards and outwards pointing portions of the ring. An embodiment covered by this claim is shown in Fig. 16B of the present application.

In contrast, Figs. 13A-13F of Spence show spikes that extend from the inward pointing portions of the ring and not from intermediate portions.

New claim 51 is a method claim that claims a method corresponding to original claim 1. The art cited by the Examiner does not teach or suggest rotating tabs in order to distort a ring and close a hole in a blood vessel, as required by claim 51.

In view of the above remarks, applicants submit that the claims are patentable over the prior art. Allowance of the application is respectfully awaited. If, however, the Examiner is not convinced and the Examiner is of the opinion that a telephone conversation may forward the present application toward allowance, applicants respectfully request that the Examiner call the undersigned at 1 (877) 428-5468. Please note that this is a direct *toll free* number in the US that is answered in the undersigned's Israel office. Israel is 7 hours ahead of Washington.

Respectfully submitted,
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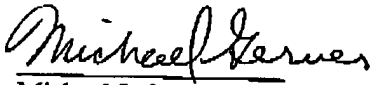

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